25X1A LS-859

CONFIDENTIAL

OGC Has Reviewed   5 September 1951

MEMORANDUM FOR THE DEPUTY DIRECTOR (Administration)

FROM   : GENERAL COUNSEL

SUBJECT: Claim Against the United States

                                    25X1A

    1. Reference is made to the attached file concerning a claim resulting from a recent accident ███████ The Assistant Director for Operations has recommended that this claim be settled directly by CIA in order to promote good relations with ███████ 25X1A

    2. As this office mentioned previously, this type of claim is normally submitted to Congress for special legislative relief, because the Federal Tort Claims Act does not provide for administrative adjustment of tort claims which arise in a foreign country. Such claims were excluded by Congress because liability under this act is determined by the law of the situs of the wrongful act or omission, and Congress obviously was unwilling to subject the United States to liabilities depending upon the laws of a foreign power.

    3. This office has reviewed the reports pertaining to the accident, and it is clear that our driver's negligence was the proximate cause of the collision. Consequently there is no legal objection to the settlement of this case from confidential funds, if it is deemed necessary for operational reasons. In reaching your decision, however, we feel some consideration should be given to the fact that Congress has not authorized payment of this type of claim from vouchered funds.

    4. It will be necessary, of course, to have this claim approved personally by the Director, since the Confidential Funds Regulations contain no specific provision for this type of claim.

                                    LAWRENCE R. HOUSTON

OC/JJB/McD

Enclosures:
    Memo dtd 23 July to DDA fr ADO
    Memo dtd 3 August to DDA fr OC
    Memo dtd 4 August to DDA fr Compt.
    Cont.

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Subject copy in accident claims.

ORIGINAL DOCUMENT MISSING PAGE(S):

Enclosure